

# HOUSE BILL 227

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CF SB 115

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By: **Delegates Waldstreicher, Afzali, Anderson, Barkley, Barve, Cardin, Carr, Dumais, Frush, Gilchrist, Glenn, Huckler, Kach, A. Kelly, Kipke, Lee, McComas, Morhaim, Reznik, Smigiel, Valderrama, and Washington**  
Introduced and read first time: January 28, 2011  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Abuse or Neglect of Animals – Sentencing Conditions**

3 FOR the purpose of authorizing a court, as a condition of sentencing for certain  
4 violations concerning the abuse or neglect of animals, to prohibit a certain  
5 defendant from owning, possessing, or residing with an animal for a certain  
6 period; and generally relating to animal cruelty.

7 BY repealing and reenacting, with amendments,  
8 Article – Criminal Law  
9 Section 10–604 and 10–606  
10 Annotated Code of Maryland  
11 (2002 Volume and 2010 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Criminal Law**

15 10–604.

16 (a) A person may not:

17 (1) overdrive or overload an animal;

18 (2) deprive an animal of necessary sustenance;

19 (3) inflict unnecessary suffering or pain on an animal;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (4) cause, procure, or authorize an act prohibited under item (1), (2), or  
2 (3) of this subsection; or

3 (5) if the person has charge or custody of an animal, as owner or  
4 otherwise, unnecessarily fail to provide the animal with nutritious food in sufficient  
5 quantity, necessary veterinary care, proper drink, air, space, shelter, or protection  
6 from the weather.

7 (b) (1) A person who violates this section is guilty of a misdemeanor and  
8 on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding  
9 \$1,000 or both.

10 (2) As a condition of sentencing, the court may:

11 (I) order a defendant convicted of violating this section to  
12 participate in and pay for psychological counseling; AND

13 (II) PROHIBIT A DEFENDANT CONVICTED OF VIOLATING  
14 THIS SECTION FROM OWNING, POSSESSING, OR RESIDING WITH AN ANIMAL FOR  
15 A SPECIFIED PERIOD OF TIME.

16 10–606.

17 (a) A person may not:

18 (1) intentionally mutilate, torture, cruelly beat, or cruelly kill an  
19 animal;

20 (2) cause, procure, or authorize an act prohibited under item (1) of this  
21 subsection; or

22 (3) except in the case of self–defense, intentionally inflict bodily harm,  
23 permanent disability, or death on an animal owned or used by a law enforcement unit.

24 (b) (1) A person who violates this section is guilty of the felony of  
25 aggravated cruelty to animals and on conviction is subject to imprisonment not  
26 exceeding 3 years or a fine not exceeding \$5,000 or both.

27 (2) As a condition of sentencing, the court may:

28 (I) order a defendant convicted of violating this section to  
29 participate in and pay for psychological counseling; AND

30 (II) PROHIBIT A DEFENDANT CONVICTED OF VIOLATING  
31 THIS SECTION FROM OWNING, POSSESSING, OR RESIDING WITH AN ANIMAL FOR  
32 A SPECIFIED PERIOD OF TIME, INCLUDING THE LIFE OF THE DEFENDANT.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2    October 1, 2011.